



IAR Citation Complaint Form

To the Ethics Citation Panel of the Indiana Association of Realtors®

To Whom It May Concern:

Attached are the materials required to file an Ethics Citation Complaint. You, as the Complainant, may file a complaint against a REALTOR® member alleging a violation of the Code of Ethics, providing the complaint:

1. is in writing
2. is signed
3. states the Article/Standard of Practice (SOP) and specific citation violated (sheet attached)
4. is filed within 180 days after the facts became known
5. The standard of proof that must be met is “clear, strong and convincing,” defined as “. . . that measure or degree of proof which will produce a firm belief or conviction as to the allegations sought to be established.”

Please Note: The citation complaint cannot cite violations based on Articles or Standards of Practice other than those spelled out in this policy.

If the Ethics Citation Panel believes a violation has occurred, they will issue a citation and impose discipline consistent with the association’s Citation Schedule. In the event the members of the Ethics Citation Panel determine the conduct described in the complaint is sufficiently egregious to warrant a hearing rather than a citation, the complaint shall be referred to the Grievance Committee to determine if the complaint should be forwarded to the Professional Standards Committee for a hearing consistent with the policies and procedures set forth in the *Code of Ethics and Arbitration Manual*. If the complaint is forwarded, the complainant who initially filed the complaint will be notified and will be afforded all due process rights provided for in the *Code of Ethics and Arbitration Manual*.

Respectfully,

Laura L. Kirby-Sallie

Director of Professional Standards

Please send the completed complaint form and all accompanying documents to:

lsallie@indianarealtors.com



INDIANA ASSOCIATION OF REALTORS®

143 W Market St, Ste 100, Indianapolis, IN 46204
(800) 284-0084 | indianarealtors.com



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Date Received: _____

Case # _____
(Office use only)

Date Filed: ____/____/____

Complainant: _____

Respondent: _____

The undersigned Complainant charges that the Respondent has engaged in conduct subject to disciplinary action by the Association. **Clear, strong, and convincing evidence must accompany this complaint.**

Are the circumstances giving rise to this ethics citation complaint involved in civil or criminal litigation or in any proceeding before the state real estate licensing authority or any other state or federal regulatory or administrative agency? Yes ____ No ____ if yes, Cause # _____.

You may file an ethics citation complaint in any jurisdiction where a REALTOR® is a member or MLS participant. Note however that the REALTORS® Code of Ethics, Standard of Practice 14-1 provides, in relevant part, "REALTORS® shall not be subject to disciplinary proceeding in more than one Board of REALTORS®...with respect to alleged violations of the Code of Ethics relating to the same transaction or event." Have you filed, or do you intend to file, a similar or related complaint with another Association of REALTORS®? Yes ____ No ____

If so, name of the other Association: _____ Date Filed: _____

This complaint is true and correct to the best knowledge and belief of the undersigned and is filed within one hundred eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence or within one hundred eighty (180) dates after the conclusion of the transaction, or event, whichever is later.

Dates(s) alleged violations(s) took place: _____

Date(s) you became aware of the facts on which the alleged violation(s) (is/are) based: _____

I understand that should the Citation Panel dismiss this ethics citation complaint in part or in total, that I have twenty (20) days from transmittal of the dismissal notice to appeal the dismissal to the Executive Committee of the Indiana Association of REALTORS®.

COMPLAINANT:

(Print Name)

(Signature)



The term REALTOR® is a registered mark that identifies a real estate professional who is a member of America's largest trade association, the National Association of REALTORS®, and subscribes to its strict Code of Ethics.



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(E-Mail Address)

(Cell Phone)

IAR Citation Sheet

(Please return all applicable sheets with the Citation Complaint Form)

	Articles Violated <i>(check all that apply)</i>	Rationale
Article 1		
Failure to provide full disclosure, and obtain consent of both parties, when representing both parties in a transaction. (SOP 1-5)		
Failure to submit offers and counteroffers objectively and as quickly as possible. (SOP 1-6)		
Failure on the part of a listing broker to provide, as soon as practical, written affirmation that an offer was presented or written notification that the seller/landlord has waived the obligation to have the offer presented, upon written request of a cooperating broker submitting an offer. (SOP 1-7)		
Failure on the part of the buyer/tenant broker to provide written affirmation that a counteroffer was presented, or written notification that the buyers/tenants have waived the obligation to have the counter-offer presented, upon written request of a listing broker submitting a counter-offer. (SOP 1-8)		
Accessing or using, or allowing others to access or use, a property managed or listed on terms other than those authorized by the owner or seller. (SOP 1-16)		
Article 3		
Failure to disclose existence of dual or variable rate commissions. (SOP 3-4)		
Failure to disclose existence of accepted offers to any broker seeking cooperation. (SOP 3-6)		





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Misrepresenting the availability of access to show or inspect a listed property. (SOP 3-8)		
Providing access to listed property on terms other than those established by the owner or the listing broker. (SOP 3-9)		
Article 4		
Failing to disclose REALTOR®'s ownership or other interest in writing to the purchaser or their representative.		
Article 5		
Providing professional services without disclosing REALTOR®'s present interest in property <i>(limited to present interest, not contemplated)</i>		
Article 6		
Accepting any commission, rebate, or profit on expenditures without client's knowledge or consent.		
Article 12		
Failing to present a true picture in real estate communications, marketing, and advertising.		
Failing to disclose status as real estate professional in advertising, marketing, and other real estate communications.		
Representing brokerage services to a client or customer as free or available at no cost when the REALTOR® receives compensation from any source for those services. (SOP 12-1)		
Advertising property for sale/lease without authority of owner or listing broker. (SOP 12-4)		
Failing to disclose name of real estate firm in advertising in a readily apparent manner. (SOP 12-5)		





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Failing to disclose status as both owner/landlord and REALTOR® or licensee when advertising property in which REALTOR® has ownership interest. (SOP 12-6)		
Falsely claiming to have “sold” property. (SOP 12-7)		
Failure to disclose firm name and state of licensure on REALTOR® firm website. (SOP 12-9)		
Misleading consumers through deceptive framing, manipulating content, deceptively diverting internet traffic, presenting other’s content without attribution or permission, or using misleading images. (SOP 12-10)		
Registering or using of deceptive URL or domain name. (SOP 12-12)		
Representing that the REALTOR® has a designation, certification, or other credential they are not entitled to use. (SOP 12-13)		
Article 14		
Failing to cooperate in a professional standards proceeding or investigation.		
Article 16		
Use of terms of an offer to modify listing broker’s offer of compensation. (SOP 16-16)		
Placing for sale/lease sign on property without permission of seller/landlord. (SOP 16-19)		

Ethics Citation Panels may, at their discretion, also impose a training requirement in addition to, as an alternative to, payment of a fine for any of the citable offenses.

